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U.S. Department of Justice

Tax Division

Please reply to: Civil Trial Section, Northern Region
P.O. Box 55
Washington, D.C. 20044

October 29, 2020

Via ECF

Honorable Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Lax, et al.*
No. 1:18-cv-4061 (E.D.N.Y.)

Dear Judge Kuo:

The United States writes to inform the Court of the status of remote deposition procedures and requests the Court to issue an order setting the rules of behavior for any remote deposition to occur in this case consistent with the proposed order concerning protocol for conducting remote depositions ("the proposed order") (attached as *Exhibit A*).

The United States sent the proposed order to all defendants on October 15, 2020, and requested approval or feedback on the protocol by October 20, 2020. The Court entered a minute order on October 20, 2020 directing the parties to submit a joint letter regarding remote deposition procedures by October 29, 2020. The United States reminded the defendants of the draft protocols by email on October 21, 2020.

As of the date of this filing, almost all of the defendants have responded, all approving the protocols: Moshe Lax; 307 Hewes Street Realty Corp; 299 Hewes Street Realty Corp; Morris Schlager; Gitty Schalger; Joseph Green; Hannah Green; Henny Green; Hershi Green; JBAM Realty LLC a/k/a JBAM Realty 2 LLC; Shaindy Lax; KGK Jewelry LLC; Judith Lax; J.L., a minor; Ben Zion Jacobowitz; Tony Jacobowitz; and Zlaty Schwartz.

Intervenor Aron Lax has not responded.

The proposed order is reasonable and necessary. All depositions will be conducted remotely to safeguard the health and well-being of deponents, parties, attorneys, and litigation support professionals. A uniform set of protocols across all depositions is necessary given the

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number of parties and non-parties expected to be deposed. The proposed protocols are substantially similar to remote deposition protocols recently ordered by courts across the United States, including the Eastern District of New York. As such, the United States respectfully requests the Court to enter the proposed order.

Defendants KGK Jewelry LLC; Judith Lax; J.L., a minor; 299 Hewes Street Realty Corp; Morris Schlager; Gitty Schalger; Joseph Green; Hannah Green; Henny Green; Hershi Green; Ben Zion Jacobowitz; and Tony Jacobowitz join in this letter.

Respectfully submitted,
/s/ Ali Gadelhak
ALI GADELHAK
Trial Attorney
Civil Trial Section, Northern Region

Cc: All counsel (via ECF)
Moshe Lax via email (moshelax@gmail.com)

Enclosure(s):
As stated.